

ABERDEENSHIRE COUNCIL

WOODHILL HOUSE, ABERDEEN, 28 SEPTEMBER, 2017

Present: Councillors K Adam, W A Agnew, D R Aitchison, A M Allan, P J Argyle, N Baillie, D Beagrie, A A Bews, G Blackett, R Bruce, A S Buchan, C C Buchan, M A Buchan, S W Calder, G W Carr, R A Cassie, J B Cox, I Davidson, S Dickinson, A C Duncan, E Durno, A Evison, M Ewenson, A Fakley, M A Findlater, M A Ford, A Forsyth, P Gibb, J N Gifford, V Harper, A J Hassan, F C P Hood, W Howatson, J Hutchison, M F Ingleby, J Ingram, A Kahanov-Kloppert, A Kille, J J Latham, S Leslie, D Lonchay, C R McKail, A McKelvie, D Mair (via skype), I J Mollison, G L Owen, G E Petrie, C Pike, G Reid, G D Reynolds, D Robertson, A Ross, M J Roy, A M Simpson, H Smith, N J Smith, S W Smith, E A Stirling, I Sutherland, I W Taylor, R G Thomson, B A Topping, I M Walker, A Wallace, L Wilson and R Withey and J M Whyte.

Apologies: Councillors P K Johnston and H Partridge.

Officers: Chief Executive, Director of Business Services, Director of Education and Children's Services, Director of Infrastructure Services, Chief Officer (Health and Social Care Partnership), Head of Finance, Head of Legal and Governance and Principal Committee Services Officer.

CHAIR

Councillor W Howatson, Provost of the Council, presided.

1. DECLARATION OF MEMBERS' INTERESTS

The Provost asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and Councillor Ford declared an interest in Item 9 as his wife is a member of a Community Council and continued to participate in the meeting.

2. RESOLUTIONS

(A) PUBLIC SECTOR EQUALITY DUTY

In making decisions on the following items of business, the Council **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. MINUTES

The following Minutes of Meetings were considered and were **approved** as correct records and thereafter signed by the Chair.

- (1) Minute of Meeting of Temporary Licensing Committee of 16 June, 2017
- (2) Minute of Meeting of Aberdeenshire Council of 29 June 2017
- (3) Minute of Meeting of Vacation Committee of 27 July 2017

4. ANNUAL ACCOUNTS 2016/17 FOR ABERDEENSHIRE COUNCIL AND ITS CHARITABLE TRUSTS AND THE EXTERNAL AUDITOR'S REPORT TO COUNCILLORS 2016/17

A report dated 23 September 2017 by the Head of Finance had been circulated together with the audited Annual Accounts for Aberdeenshire Council and its Charitable Trusts for the financial year 2016/17 and the report by the Council's External Auditors, Audit Scotland, following completion of the audit for the financial year 2016/17. The report contained a detailed action plan which identified areas requiring improvement and a report on progress towards achieving the actions would be presented to the Audit Committee on 21 March 2018.

The Head of Finance introduced the report and advised that the audit certificate from Audit Scotland was unqualified, confirming that the Council's financial records and statements were fairly and appropriately presented. He made reference to the successful Treasury Management workshop for elected members on 28 August 2017 and drew Members' attention to a number of points highlighted in the auditor's report including the level of reserves available to the Council; the level of borrowing and its affordability, prudence and sustainability; the five year medium term financial strategy and new governance and budget management arrangements for policy committees.

Having acknowledged a requirement for assurance over the delivery of planned revenue budget savings, the Council **agreed**:-

- (1) to endorse the audited Annual Accounts 2016/17 for the Council's Charitable Trusts and the External Auditor's report;
- (2) to note the unmodified audit certificates for Aberdeenshire Council and its Charitable Trusts for 2016/17; and
- (3) that the Procedures Committee consider whether and how elected members might wish to monitor and have greater assurance over the delivery of planned revenue budget savings throughout the year.

5. REVENUE BUDGET MONITORING AS AT 30 JUNE 2017

A report dated 4 September 2017 by the Director of Business Services was circulated explaining the current financial position of the Council and highlighting significant variances currently identified from agreed budgets. The report stated that the forecast to the end of the financial year was expected to be in excess of budget and that officers had put in place a number of measures designed to bring the budget back to a breakeven position. The report also contained a number of proposed budget virements, an update on usable reserves and confirmation of a decision by Scottish Ministers on a dispute between the Council and Highland Council on the ordinary residency of a Social Work client including the estimated costs to the Council of £593,068.75 in that respect..

The Council **agreed**:-

- (1) to note the revenue budget monitoring to 30 June 2017;

- (2) to approve the budget virements as set out in Appendix 4 of the report;
- (3) the proposals to realign the reserves to take account of the final balances as at 31 March 2017;
- (4) to delegate authority to the Head of Finance, following consultation with the Chief Officer of the Integration Joint Board, to conclude negotiations with Highland Council and approve the payment of the agreed amount in relation to the decision by Scottish Ministers on ordinary residency;
- (5) that the costs of the ordinary residency be met from the Working Balance and to authorise the Head of Finance to identify funds from earmarked reserves to reinstate the working balance and report back to Council for approval of the transfer of those funds; and
- (6) that a review of reserves be undertaken as part of the monitoring process and report back to Council.

6. NON-HRA CAPITAL BUDGET 2017/18 MONITORING REPORT AND CAPITAL PLAN 2017-2032 UPDATE

There had been circulated a report dated 7 September 2017 by the Director of Business Services which (1) detailed expected expenditure and income on projects contained within the Council's Non-Housing Revenue Account (HRA) Capital Budget, and (2) highlighted projects which showed variations requiring amendments to be made to the Capital Plan.

The Council **agreed:-**

- (1) to revisions to the capital budget for 2017/18 referred to at Appendix 4 and detailed in Appendix 2, giving new totals for expenditure and receipts and revenue financing of £141,248,000 and £73,530,000 respectively;
- (2) to revisions to the capital budget for future years as detailed at Appendix 1 and Appendix 4; and
- (3) the revenue financing costs set out in section 4.

7. COUNCIL PLAN 2013 - 2017 - ANNUAL PERFORMANCE REPORT 2016/17 (ABERDEENSHIRE PERFORMS)

With reference to the Minute of Meeting of the Council of 6 March 2014 (Item 5, Page 1328) a report dated 13 August 2017 by the Director of Business Services had been circulated presenting the Council Plan 2013-2017 final annual performance report for 2016/17. The report summarised the performance of the Council in delivering the priority outcomes in the Council Plan based on statutory and local indicators. It also reflected the outcomes of external scrutiny, self-assessment and evaluation and customer satisfaction. A new Council Plan for 2017 – 2022 confirming the approach for future reporting of performance in delivering the key outcomes identified would be presented to Council in November 2017.

The Leader of the Council introduced the report and acknowledged the work of the previous Council and Administration in delivering the Council's priorities. He highlighted the performance achieved over 2016/17 and to evidence available demonstrating how the Council had delivered its priority outcomes over the plan period. The Chief Executive stated that in

overall terms performance had continued to improve with most indicators on target and an increased number showing sustained improvement. Reference was made to a number of national nominations achieved and awards received over 2016/17 recognising best practice across a range of services which paid testament to the hard work of all those involved.

Policy Committee Chairs then provided an overview of performance across all services of the Council, highlighting achievements and ongoing challenges.

Thereafter, the Council **agreed** to approve the Council Plan 2013-2017 Annual Performance Report 2016/17.

8. BOUNDARIES OF COMMUNITY COUNCILS

With reference to the Minute of Meeting of the Council of 27 April 2017 (Item 5) a report dated 31 August 2017 by the Director of Business Services had been circulated requesting the Council to approve changes to the boundaries of Community Council Areas in Banff and Buchan, Formartine, Garioch and Kincardine and Mearns as recommended by the relevant Area Committees and as detailed in Appendix 1 of the report. Reference was made to an amended boundary map circulated to members the previous day correcting minor errors to the numbering used to identify Community Council areas.

The Council **agreed** to:-

- (1) approve the changes to boundaries of Community Council areas as detailed in Appendix 1 of the report; and
- (2) note that the proposed changes to the Scheme of Governance relating to implementation of the new Scheme for the Establishment of Community Councils, if approved, would provide authority to Area Committees to approve all future boundary changes.

9. SCHEME FOR ESTABLISHMENT OF COMMUNITY COUNCILS

With reference to the Minute of Meeting of the Council of 27 April 2017 (Item 5) when it had been agreed to defer consideration of the new Scheme for the Establishment of Community Councils and re-establish a short term working group in order to facilitate a further six week period of consultation with Community Councils, there had been circulated a report dated 23 August 2017 by the Director of Business Services on the outcome of the further consultation exercise and seeking approval of the new Scheme for Establishment of Community Councils as detailed in Appendix 1 of the report.

The Director of Business Services presented the report, highlighting the significant work undertaken over the previous two years to review the Scheme and ensure arrangements were in place to allow Community Councils to operate effectively and efficiently and demonstrate how the Council would support and work alongside Community Councils; setting out the legislative requirements around Community Councils and how they engage locally across all communities; drawing attention to the key changes to be introduced including added flexibility and outlining the process and next steps by which formal adoption of the new Scheme would be achieved including a transitional period allowing Community Councils the opportunity to take the required actions.

During discussion Officers responded to questions from Members on the statutory notice period for adoption of the Scheme, implementation arrangements and review timescales, ongoing training to be provided to Community Council members, the definition of materially different representations, community council assets, insurance requirements and transitional arrangements.

Thereafter, the Council **agreed:-**

- (1) to approve the proposed Scheme for the Establishment of Community Councils in the format detailed in Appendix 1 of the report;
- (2) to revoke the Scheme for the Establishment of Community Councils dated March 2007 on March 31, 2018;
- (3) to approve the making and the adoption of the new Scheme for the Establishment of Community Councils and agree that it will come into effect on April 1, 2018;
- (4) that Community Councils would have the benefit of a transition period of one year until September 28, 2018 to take all the required actions to accord with the requirements of the new Scheme;
- (5) that the Head of Legal and Governance serve the Public Notice in accordance with Section 22 (3) (d) of the Local Government etc. (Scotland) Act 1994;
- (6) that if representations were received during the 21-day period specified in the Section 22 (3)(d) notice, to delegate authority to the Head of Legal and Governance to determine if those representations were materially different to the representations already received during the consultations and
 - (a) if there were no materially different representations received, the Scheme proceed to adoption, and
 - (b) if any materially different representations were received, a further report be presented to Full Council before the Scheme could be adopted;
- (7) that if no amendments to the Scheme were required following the 21day period provided for in the S22 (3)(d) public notice, the Scheme for the Establishment of Community Councils dated March 2007 be revoked as at 11.59pm on March 31, 2018 and the proposed new Scheme for the Establishment of Community Councils in Appendix 1 be adopted and with effect from April 1, 2018;
- (8) that once the Scheme for the Establishment of Community Councils has been adopted, to delegate authority to the Head of Legal and Governance to publish a public notice in accordance with Section 22 (3) (e) of the 1994 Act giving notice of the adoption of the Scheme for the Establishment of Community Councils and invite electors to apply for the establishment of a Community Council should no Community Council be in existence in that Community Area;
- (9) to note the required changes to the Scheme of Governance in Appendix 3 which were the subject of a separate report to Full Council; and
- (10) to note that officers would be supporting, assisting and engaging with Community Councils to enable them to transition to the new Scheme for the Establishment of Community Councils and that a light touch assessment be scheduled for January 2019 and annually thereafter and a full review scheduled to commence April 2023.

10. APPOINTMENTS AND CHANGES TO SCHEME OF GOVERNANCE

A report dated 30 August 2017 by the Director of Business Services had been circulated requesting the Council to consider (a) the appointment of a Chair, Vice Chair and Buchan area member of the Local Review Body (LRB), (b) the appointment of a Chair and Vice Chair of the

Vacation Committee, and (c) proposed amendments to the Scheme of Governance relating to implementation of the Common Good Fund Policy, Community Empowerment Participation requests and the new Scheme for the Establishment of Community Councils.

The Council **agreed**:-

- (1) to appoint Councillor Hood as Chair and Councillor Johnston as Vice Chair of the LRB;
- (2) to note that Councillor Sutherland would fill the vacancy of substantive member of the LRB for the Buchan Area;
- (3) that the Provost and Deputy Provost be appointed as Chair and Vice Chair of the Vacation Committee respectively; and
- (4) to note the proposed amendments to the Scheme of Governance as detailed in Appendices 1 and 2 of the report and that these would be presented to the next meeting of Full Council for approval.

11. TIMETABLE OF MEETINGS 2018/19

A report dated 10 September 2017 by the Director of Business Services had been circulated requesting the Council to approve the timetable of meetings of the Council, Policy Committees, the Audit Committee, the Sustainability Committee and Area Committees for the period May, 2018 to April 2019.

The Council **agreed** to approve the timetable of meetings of the Council, Policy Committees, the Audit Committee, the Sustainability Committee and Area Committees for the period May, 2018 to April, 2019 as set out in Appendix 1 of the report.

12. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP ANNUAL REPORT 2016/17

A report dated 29 August by the Chief Officer, Aberdeenshire Health and Social Care Partnership had been circulated on the publication of the Aberdeenshire Health and Social Care Partnership Annual Report for 2016/17. The report advised that Section 42 of the Public Bodies (Joint Working) (Scotland) Act 2014 required a performance report to be produced by integration authorities and published annually before 31 July on specific matters including (a) how the Partnership had performed against national Health and Wellbeing Outcomes, (b) a summary of financial performance for the current reporting year, (c) a description of arrangements put in place to involve and consult with localities and an assessment of how they had contributed to the provision of services, and (d) details of any inspections carried out relating to the functions delegated to the Partnership by Healthcare Improvement Scotland and the Care Inspectorate.

The Chief Officer introduced the report, highlighting a number of positive achievements over the inaugural year including implementation of a Virtual Community Ward which brought together a core team of professionals to manage the delivery of care to the most vulnerable residents in communities. He made reference to the management structure in place which enabled services to be planned, delivered and managed at a local level and highlighted the Team's commitment to working with communities through the introduction of participatory budgeting.

The Council also heard from the Chair of the Integration Joint Board (IJB), who acknowledged the work done by the previous Chair and Vice Chair of the Board, congratulated the Chief Officer and his Team on their performance and achievements over 2016/17 and highlighted the role of the Communities Committee in monitoring the Council's delivery of Services on behalf of the IJB.

Thereafter, the Council **agreed** to note publication of the Aberdeenshire Health and Social Care Partnership Annual Report 2016-17.

DRAFT